



THE CITY OF NEW YORK
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August 12, 2008

VIA FACSIMILE

Honorable Loretta A. Preska
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

RECEIVED

AUG 12 2008

LORETTA A. PRESKA
U.S. DISTRICT JUDGE
S. D. N. Y.

Re: Belovic v. Doar, et al.
Case No. 07 Civ. 2876 (LAP)(KNF)

Dear Judge Preska:

I am an Assistant Corporation Counsel assigned to represent Robert Doar in the above-referenced disability discrimination case. I write to request an extension of time for defendant Doar to complete his e-discovery obligation, which was scheduled to be completed on July 31, 2008. I apologize for making this request late, but I have been heavily engaged in election related litigation, including defending against numerous orders to show cause, each of which sought interim injunctive relief, in both state and federal court, which caused me to inadvertently overlook this deadline. Defendant Doar has been working diligently to complete this project and satisfy his obligation but has been beset with significant technical difficulties that caused substantial delays as well as that the project has simply required more time and resources than had been estimated.

With regard to the technical difficulties, this project was to be completed using Summation, an electronic litigation support program. Unfortunately, on May 9th, Summation began to behave erratically and needed to be taken off-line for trouble-shooting. As a result, on May 14th, due to the unavailability of Summation, it was determined that this project would necessarily have to be completed using Concordance, another industry standard litigation support

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program. Because of the need to switch to Concordance, the availability of all work that would have been completed before May 9th, the date of the first production, would have been delayed.¹ Thereafter, starting on June 1, 2008, there were a series of unusual power incidents that caused server disruptions leading to Concordance being unavailable for much of the weeks of June 2nd and June 9th. Notwithstanding these setbacks, we believe that all necessary systems are now functioning properly and are working diligently to complete e-discovery as quickly as possible.

With regard to the extent of the project, approximately 67,000 documents were identified using electronic search techniques as being potentially responsive to plaintiffs' discovery demands. To date, over 35,000 documents have been reviewed, with over 15,000 documents, comprising in excess of 100,000 pages, having been produced. The attorneys conducting the document review have expended in excess of 1,000 hours.² We expect the project to be fully staffed again not later than Monday, August 18, and that the review will be completed within the next six weeks.

I have advised plaintiffs' counsel of the events described above and they do NOT consent to this request. For the foregoing reasons, defendant Doar respectfully requests that his time to complete the document review be extended through and including September 29, 2008.

The request for an extension is granted.

Counsel for defendants shall inform the Court if there is any reason why items 1-4 on page 2 of Ms. Stevens' August 14 letter cannot be completed by September 29. In the absence of such information, those items shall be completed by that date. Conference shall be held Oct. 15, 2008 at 9:00 am.

Respectfully yours,

Stephen Kitzinger

Assistant Corporation Counsel

Attachment

cc: Jane Greengold Stevens (by email)
Claire Gutekunst (by email)
Ivan Rubin (by email)
Robert Kraft (by email)
Steven Weber (by email)

SO ORDERED

LORETTA A. PRESKA

UNITED STATES DISTRICT J

¹ Technically, this data could have been recovered by transmitting the database (from backup tape) to a technical vendor to extract the Summation data, convert it and import it into Concordance. That project would have taken over a week, during which no documents could have been reviewed.

² One of the attorneys who was participating in the review was less than efficient. The Law Department is in the process of hiring a replacement for her.